

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200600202

REGULATORY PROJECT MANAGER: Donahue **Date:** 01 Dec 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 01 Dec 2005
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Kansas

County: Johnson

Center coordinates of site by latitude & longitudinal coordinates: Lat: 38-52-32 Long: 94-52-43

Approximate size of site/property (including uplands & in acres): 80

Name of waterway or watershed: Tributary of Cedar Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	1								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	2								
Farm Pond									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary

☐

Or

Approved

☒

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

Ponds identified in a delineation report provided by Terra Technologies indicates two isolated farm ponds on the property as non-jurisdictional due to the lack of an ordinary high water mark or other confined or discreet connection to waters of the U.S. on the property. Pond #2 is 0.10 acre in size and has an adjacent 0.03 acre wetland. Pond # 4 is an open water feature 0.04 acre in size. Both ponds have breached dam embankments downstream of which there is only sheet-flow connectivity to other jurisdictional stream channels on the property. Site photo's taken by Terra Technologies at the request of the Corps of Engineers on 30 Nov 2005 confirm this condition.